

**Notice of Allowability**

Application No.

10/620,270

Applicant(s)

ROGERS, GARY

Examiner

Art Unit

MANSOUR M. SAID

2629

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/29/06.
2. ☒ The allowed claim(s) is/are 1-2, 5-16 and 19-40; and renumbered as 1-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Galgano, Thomas M. on March 29, 2006.

### IN THE CLAIMS

**Please amend the claims as follows:**

1. (Currently Amended) A thumb and finger guide structure for use with a computer mouse having a palm portion and two lateral opposite sides, said structure comprising:
  - a) a palm member dimensioned *and* shaped to fit over the palm portion of the computer mouse;
  - b) a thumb guide ring extending from said palm member;
  - c) a little finger ring guide extending from said palm member and spaced from said thumb guide ring, said finger guide ring being spaced from said thumb guide ring by an amount approximately equal to the distance between the thumb and little finger of the hand of the intended user when the hand is in an open relaxed position so that the structure supports the user's hand in an open relaxed position and said guides guide rings *being* positioned such that the mouse may be moved and lifted without said user's thumb and finger gripping the two lateral opposite sides thereof; and
  - d) means for attaching said structure to an existing computer mouse.

Art Unit: 2629

2. (Currently Amended) A thumb and finger guide structure according to claim 1, wherein at least one of said thumb guide ring and said finger guide ring is disposed generally above a side of said mouse.

3. (Cancelled)

4. (Cancelled)

7. (Currently Amended) A thumb and finger guide structure according to claim 1, wherein:

said palm member, said thumb guide ring, and said finger guide ring are formed as an integral plastic member.

9. (Original) A thumb and finger guide structure according to claim 1, wherein both of said thumb and finger ~~supports~~ guide rings are disposed generally above opposite lateral sides of said mouse.

10. (Currently Amended) A thumb and finger guide structure according to claim ~~[[4]]~~ 1, additionally including means for adjusting the diameter of said thumb and finger rings.

14. (Currently Amended) A computer mouse assembly comprising:

a computer mouse having a palm portion and two opposite lateral sides; and spaced-apart thumb and little finger ~~guides~~ guide rings attachable to said computer mouse, said little finger guide ~~rings~~ ring being spaced from said thumb guide ring by an amount approximately equal to the distance between the thumb and the little finger of the hand of the intended user when the hand is in an open relaxed position so that the guides position the user's hand in an open relaxed position and said guides *being* positioned such that the mouse may be moved and lifted without said user's thumb and finger gripping the two opposite lateral sides thereof.

15. (Currently Amended) A computer *mouse* assembly according to claim 14, comprising a palm member dimensioned and shaped to fit over the palm portion of the computer mouse and which is attachable to said computer mouse, said thumb and finger guides guide rings being attachable to said mouse via said palm member.

Art Unit: 2629

16. (Currently Amended) A computer mouse assembly according to claim 14, wherein at least one of said ~~thumbs~~ thumb and said little finger guide rinds ~~supports~~ is disposed is generally above a lateral side of said mouse.

17. (Cancelled)

18. (Cancelled)

20. (Currently Amended) A computer mouse assembly according to claim ~~[[18]]~~ 14, wherein both of said thumb and finger ~~guides~~ guide rings are disposed generally above opposite lateral sides of said mouse.

21. (Currently Amended) A computer mouse assembly according to claim ~~[[18]]~~ 14, additionally including means for adjusting the diameter of said thumb and little finger guide rings.

24. (New) A thumb and finger guide structure for use with a computer mouse having a palm portion and two lateral opposite sides, said structure comprising:

a) a palm member dimensioned and shaped to fit over the palm portion of the computer mouse;

b) a thumb guide extending from said palm member, and a little finger guide extending from said palm member and spaced from said thumb guide, said little finger guide being spaced from said thumb guide by an amount approximately equal to the distance between the thumb and little finger of the hand of the intended user when the hand is in an open relaxed position so that the structure supports the user's hand in an open relaxed position and said guides being positioned such that the mouse may be moved and lifted without said user's thumb and finger gripping the two lateral opposite sides thereof, said guides being outwardly and downwardly opening, arcuate flanges; and

c) means for attaching said structure to an existing computer mouse.

25. (New) A thumb and finger guide structure according to claim 24, wherein *at* least one of said thumb guide and said finger guide is disposed generally above a side of said mouse.

26. (New) A thumb and finger guide structure according to claim 24, wherein said means for attaching comprise adhesive means.

27. (New) A thumb and finger guide structure according to claim 24, wherein: said palm member is generally curved and shaped to support an average adult palm when the hand is in an open relaxed position.

Art Unit: 2629

28. (New) A thumb and finger guide structure according to claim 24, wherein: said palm member, said thumb guide, and said finger guide are formed as an integral plastic member.

29. (New) A thumb and finger guide structure according to claim 28, wherein: said palm member is at least partially covered with an absorbent fabric.

30. (New) A thumb and finger guide structure according to claim 24, wherein both of said thumb and finger guides are disposed generally above opposite lateral sides of said mouse.

31. (New) A thumb and finger guide structure according to claim 24, wherein said palm portion has an outline with a hand.

32. (New) A thumb and finger guide structure according to claim 31, wherein said outline of said hand is recessed in said palm.

33. (New) A thumb and finger guide structure according to claim 24, wherein said palm portion has two downwardly depending legs positioned and dimensioned to straddle said mouse and including means mounted thereon for affixing said legs to said mouse.

34. (New) A computer mouse assembly comprising:  
a computer mouse having a palm portion and two opposite lateral sides; and  
spaced-apart thumb and little finger guides attachable to said computer mouse, said guides being generally outwardly and downwardly opening, arcuate flanges, and said little finger guide being spaced from said thumb guide by an amount approximately equal to the distance between the thumb and the little finger of the hand of the intended user when the hand is in an open relaxed position so that the guides position the user's hand in an open relaxed position and said guides being positioned such that the mouse may be moved and lifted without said user's thumb and little finger gripping the two opposite lateral sides thereof.

35. (New) A computer mouse assembly according to claim 34, comprising a palm member dimensioned and shaped to fit over the palm portion of the computer mouse and which is attachable to said computer mouse, said thumb and little finger guides being attachable to said mouse via said palm member.

36. (New) A computer mouse assembly according to claim 34, wherein at least one of said thumb and said little finger guides is disposed generally above a lateral side of said mouse.

Art Unit: 2629

37. (New) A computer mouse assembly according to claim 34, wherein; said palm member is generally curved and shaped to support an average adult palm when the hand is in an open relaxed position.

38. (New) A computer mouse assembly according to claim 34, wherein both of said thumb and little finger guides are disposed generally above opposite lateral sides of said mouse.

39. (New) A computer mouse assembly according to claim 34, wherein said palm portion has an outline with a hand.

40. (New) A computer mouse assembly according to claim 39, wherein said outline of said hand is recessed in said palm portion.

*Allowable Subject Matter*

**2. Claims 1-2, 5-16 and 19-40 are allowed.**

The following is an examiner's statement of reasons for allowance: Claims 1-2, 5-16 and 19-40 are allowed since certain key features of the claimed invention are not taught or fairly suggested by prior art. **In claim 1**, "said finger guide ring being spaced from said thumb guide ring by an amount approximately equal to the distance between the thumb and little finger of the hand of the intended user when the hand is in an open relaxed position so that the structure supports the user's hand in an open relaxed position and said guide rings being positioned such that the mouse may be moved and lifted without said user's thumb and finger gripping the two lateral opposite sides thereof". **In claim 14**, "said little finger guide ring being spaced from said thumb guide ring by an amount approximately equal to the distance between the thumb and the little finger of the hand of the intended user when the hand is in an open relaxed position so that the guides positions

Art Unit: 2629

the user's hand in an open relaxed position and said guides *being* positioned such that the mouse may be moved and lifted without said user's thumb and finger gripping the two opposite lateral sides thereof". In claim 24, "said little finger guide being spaced from said thumb guide by an amount approximately equal to the distance between the thumb and little finger of the hand of the intended user when the hand is in an open relaxed position so that the structure supports the user's hand in an open relaxed position and said guides being positioned such that the mouse may be moved and lifted without said user's thumb and finger gripping the two lateral opposite sides thereof, said guides being outwardly and downwardly opening, arcuate flanges". In claim 34, "said guides being generally outwardly and downwardly opening, arcuate flanges, and said little finger guide being spaced from said thumb guide by an amount approximately equal to the distance between the thumb and the little finger of the hand of the intended user when the hand is in an open relaxed position so that the guides positions the user's hand in an open relaxed position and said guides being positioned such that the mouse may be moved and lifted without said user's thumb and little finger gripping the two opposite lateral sides thereof". The closest prior art Yang (6,297,808 B1) teaches a hand controller device including a casing body is transversely penetrated with a finger holding hole(s) suitable for finger insertion and holding, further, the casing installed with an active rolling ball, Lilenfield (6,545,667 B1) teaches a cursor control device being comprised at least one button, and having a control circuit inside the body which is connected to at least one button and cursor control. However, singularly or in combination with other prior art, fail to anticipate or render the above underlined limitations obvious.

Art Unit: 2629

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

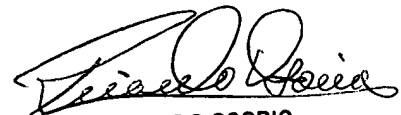
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MANSOUR M. SAID whose telephone number is (571) 272-7679. The examiner can normally be reached on MF (8:30-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Mansour M. Said**

3/30/06

  
RICARDO OSORIO  
PRIMARY EXAMINER